

Congress of the United States

Washington, DC 20510

January 6, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President,

Thank you for your commitment to the safety and well-being of the American people as we continue our efforts to mitigate the impacts of the COVID-19 pandemic.

We write to express our concerns in regard to the Vaccination and Testing Emergency Temporary Standard requiring all private employers with 100 or more employees to require their workforce either to be fully vaccinated or tested weekly. While we applaud efforts on the federal level to expand vaccine access and combat the ongoing coronavirus pandemic, we remain concerned about the implementation of the ETS and the impact this will have on smaller businesses across the country. Vaccines remain a safe and essential component in the public health effort against COVID-19. However, asking private businesses to enforce a vaccinate-or-test requirement is unnecessarily burdensome to struggling businesses in our districts and unrealistic given the lack of testing capacity. We ask that you reconsider the ETS as it exists today and take into account the realities on the ground that employers and workers are facing.

The mandate currently requires employers to ensure that unvaccinated employees are tested every seven days, despite the fact that access to COVID tests is limited across the country by both lack of supply and by the expense. As the omicron variant surges across the United States, concerned Americans are already scrambling to access the finite supply of COVID-19 tests. Many pharmacies are sold out of at-home testing kits, and our already strained health care system is facing long lines to try to meet demand. Additionally COVID-19 tests range greatly in cost and can pose a significant financial burden on workers. Even with increased efforts to expand access to tests in the coming months, most businesses and their employees will still struggle to meet the ETS's testing requirements.

There is a lack of clarity around components of the ETS that should be reevaluated. Confusion around how a company's number of total employees is calculated has elicited concerns from small companies in our districts, including seasonal businesses and employers who are already facing uncertainty. It is also unclear who is legally entitled to reasonable accommodation under federal civil rights laws because of a disability or religious belief that conflicts with the vaccination requirement. Well-founded concerns that staff will resign in large numbers adds to employers' anxiety during the ongoing labor shortage. On top of these challenges, employers who are already strapped for time and resources are tasked with verifying the authenticity of vaccine cards under the threat of tens of thousands of dollars in penalties. To better address the complex situation at hand, the ETS should be refined to meet the needs of local communities and businesses instead of applying an unworkable, one-size-fits-all regulation.

The ETS as currently constructed will only serve to cause confusion and economic hardship for employers and workers. We strongly believe that a more realistic approach is needed to encourage vaccinations, ensure workplace safety, and support our local economies that are just getting back on their feet.

Thank you for your dedication to the health and well-being of the American people. We stand ready to work with you to confront this pandemic and ensure our economy fully recovers.

Sincerely,



Chris Pappas
Member of Congress



Fred Keller
Member of Congress